

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, in the City of New York, on the 31st day of March, two thousand eleven.

PRESENT:

ROBERT D. SACK,
GERARD E. LYNCH,
Circuit Judges,
LORETTA A. PRESKA,*
Chief District Judge.

JAWAN AKIL BEY,
Plaintiff-Appellant,

v.

No. 10-2118-cv

THE CITY OF NEW YORK, THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION, MICHAEL CARUSO,
Individually and as Inspector General of the New York City
Department of Investigations, NICHOLAS KAISER,
Individually and as Attorney for the Department of
Correction Office of Trials and Litigation, BERNARD
B. KERIK, Individually and as Commissioner of the
City of New York Department of Correction,
Defendants-Appellees.

* Chief Judge Loretta A. Preska, of the United States District Court for the Southern District of New York, sitting by designation.

For Appellant: JAWAN AKIL BEY, *pro se*, Bracey, Virginia.

For Appellees: ELLEN RAVITCH, Assistant Corporation Counsel,
for Michael A. Cardozo, Corporation Counsel, New
York City Law Department, New York, New York.

Appeal from a judgment of the United States District Court for the Southern District of New York (McKenna, *J.*).

UPON DUE CONSIDERATION, it is hereby ORDERED, ADJUDGED AND
DECREED that the order of the district court is AFFIRMED.

Plaintiff-appellant Jawan Akil Bey, *pro se*, appeals from the district court's judgment granting defendants' motion to dismiss his 42 U.S.C. § 1983 complaint. We assume the parties' familiarity with the underlying facts, the procedural history of the case, and the issues on appeal.

We review *de novo* a district court's dismissal of a complaint under Rule 12(b)(6) of the Federal Rules of Civil Procedure, accepting as true the factual allegations in the complaint and drawing all reasonable inferences in the plaintiff's favor. *See Macias v. Zenk*, 495 F.3d 37, 40 (2d Cir. 2007); *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 474 (2d Cir. 2006). Having conducted an independent review of the record in light of these principles, we affirm the district court's judgment for substantially the same reasons stated in the district court's decision and order. We have considered the appellant's arguments on appeal and find them to be without merit. Accordingly, the judgment of the district court is hereby AFFIRMED.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk